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8 **BEFORE THE**
BOARD OF REGISTERED NURSING
9 **DEPARTMENT OF CONSUMER AFFAIRS**
10 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No. **2010-199**

12 **TERESA BETH SPENCER**
13 14265 Main Street
French Gulch, California 96033
14
15 Registered Nurse License No. 688114
16 Respondent.

A C C U S A T I O N

17
18 Complainant alleges:

19 **PARTIES**

20 1. Louise R. Bailey, M.Ed., RN ("Complainant") brings this Accusation solely in her
21 official capacity as the Interim Executive Officer of the Board of Registered Nursing ("Board"),
22 Department of Consumer Affairs.

23 **Registered Nurse License Information**

24 2. On or about September 5, 2006, the Board issued Registered Nurse License Number
25 688114 to Teresa Beth Spencer ("Respondent"). The registered nurse license was in full force
26 and effect at all times relevant to the charges brought herein and will expire on June 30, 2010,
27 unless renewed.

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1 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
2 enforcement of the case.

3 **FIRST CAUSE FOR DISCIPLINE**

4 **(Criminal Convictions)**

5 8. Respondent is subject to discipline pursuant to Code section 2761, subdivision (f), in
6 that Respondent has been convicted of the following crimes that are substantially related to the
7 qualifications, functions or duties of a licensed registered nurse:

8 a. On November 24, 2008, in the Superior Court, County of Shasta, California in the
9 matter entitled *People v. Teresa Spencer*, Case No. 08-05023, Respondent was convicted by the
10 court following her plea of nolo contendere to a violation of Business and Professions Code
11 section 25658, subdivision (b) (selling liquor to a minor), a misdemeanor. The circumstances of
12 the crime are that on May 29, 2008, while employed as a waitress at a restaurant in French Gulch,
13 California, Respondent willfully and unlawfully furnished, gave, and caused to be sold, furnished
14 or given away to a person under the age of 21 years, an alcoholic beverage.

15 b. On December 26, 2008, in the Superior Court, County of San Joaquin, California, in
16 the matter entitled *People v. Teresa Spencer*, Case No. HP31759JQ, Respondent was convicted
17 by the court following her plea of guilty to a violation of Vehicle Code section 23152, subdivision
18 (b) (driving a vehicle with a blood alcohol level of .08% or more), a misdemeanor. The
19 circumstances of the crime are that on November 27, 2008, Respondent was arrested following a
20 traffic accident in which Respondent rear-ended another vehicle. Officers on the scene
21 determined Respondent was intoxicated and she was subsequently arrested. Respondent was
22 transported to the San Joaquin County Jail where a breath test was administered to Respondent
23 resulting in .09% blood alcohol concentration and a .10% blood alcohol concentration.

24 **SECOND CAUSE FOR DISCIPLINE**

25 **(Conviction Involving Alcohol)**

26 9. Respondent is subject to discipline pursuant to Code section 2761, subdivision (a), on
27 the grounds of unprofessional conduct as defined in Code section 2762, subdivision (c), in that
28

1 Respondent has been convicted of a crime involving the consumption of alcohol, as more
2 particularly set forth in paragraph 8, subdivision b, above.

3 **THIRD CAUSE FOR DISCIPLINE**

4 **(Use Alcohol to an Extent or in a Manner Dangerous or Injurious)**

5 10. Respondent is subject to discipline pursuant to Code section 2761, subdivision (a), on
6 the grounds of unprofessional conduct as defined in Code section 2762, subdivision (b), in that on
7 November 25, 2008, Respondent used alcohol to an extent or in a manner dangerous or injurious
8 to herself or others, as more particularly set forth in paragraph 8, subparagraph b, above.

9 **PRAYER**

10 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
11 and that following the hearing, the Board of Registered Nursing issue a decision:

12 1. Revoking or suspending Registered Nurse License Number 688114, issued to
13 Teresa Beth Spencer;

14 2. Ordering Teresa Beth Spencer to pay the Board of Registered Nursing the reasonable
15 costs of the investigation and enforcement of this case, pursuant to Business and Professions
16 Code section 125.3; and,

17 3. Taking such other and further action as deemed necessary and proper.

18
19
20 DATED: 10/8/09

21 for

Stacie Benner
LOUISE R. BAILEY, M.ED., RN
Interim Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

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